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IN 09/945,318

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wayne I. Knigge et al. Examiner: Robert Madsen
Serial No.: 09/945,318 Group Art Unit: 3721
Filed: August 31, 2001 Docket: 869.021US1
Title: VACUUM-SEALED PACKAGE CONTAINING FRANGIBLE MATERIALS
(AS AMENDED)

NOTICE OF APPEAL FROM THE DECISION OF THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with 37 C.F.R. § 41.31(a)(1), Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated May 19, 2005 (Final Office Action) and the decision dated September 7, 2005 (Advisory Action), of the Examiner rejecting claims 1, 4-17, 21, 22, 24, 27-29, 32-35, 37-39, 41-43, 45-57, 59-65 and 77-79 of the above-identified patent application.

A request for an extension of time to respond to the Examiner's rejection is submitted herewith along with payment of the required extension fee.

Please charge Deposit Account No. 19-0743 in the amount of \$500.00 to pay the Notice of Appeal fee under 37 C.F.R. § 41.20(b)(1). Please charge any required additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date OCTOBER 19, 2005 By Barbara J. Clark
Barbara J. Clark
Reg. No. 38,107

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of October, 2005.